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NOTES ON OLD PROVIDENCE

The Old County House
in Providence

BY

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At the June session, 1729, the General Assembly of Rhode Island divided the colony into three counties, Newport County with Newport as the county town, Providence County with Providence as the county town, Kings County with South Kingstown as the county town. It further provided that "there being a necessity for County Court Houses and Goals upon the Main . . . it is enacted That there be appointed a Committee of three persons out of each Town upon the Main to find out and appoint a Place in Each County upon the Main Suitable and convenient for the Erecting and building a County Court house and Goal and that Thomas Fry, Job Greene, Wm. Smith, Philip Tillinghast, Wm. Jencks, Benjamin Green, Moses Lippitt, Thomas Spencer, and Pardon Tillinghast or the Major part of them be a Committee for the County of Providence . . . And that the said Committees meet on the Second Wednesday of July next for the Accomplishing Said Affair, and if the Weather or Sickness Hinder, to Meet the next Fair Day, the Committee for the County of Providence at James Olney's in Providence . . . It is further Voted & Enacted that Wm. Smith and Philip Tillinghast be a Committee for the County of Providence . . . for the Erecting and building a County Court House & Goal . . . and Draw upon the General Treasurer for a Sufficiency of Money to accomplish the Same." (Ms. Schedule, June, 1729.)

The committee met and reported to the Assembly, which in October, 1729, "Voted that the Return of the Committee for appointing the Place where the County House & Goal for the County of Providence Shall be Accepted of by this Assembly." (Ms. Schedule, October, 1729.)

The location selected was the lot on Meeting Street, in Providence, where the old Brick School House now stands, then the property of William Page, blacksmith, who on December 24, 1729, "in Consideration of the Good-will and affection I have towards the promoting and Erecting a County House in said Towne," deeded to Major William Smith, one of the committee appointed "to build said County House: A Certain small Lott of Land to sett said house on Containing about sixty foot in breadth and is bound on the West side with the Lott of Land whereon the Quacors Meeting house stands and from thence to extend eastward Sixty foot: and is bounded on the northwest and northeast Corners with Stones Stuck in the Ground which Stones are Sett fifty two foot South from the South Rainge of Richard Waterman's Lott, and from Said Stones to extend Southward holding the full breadth of sixty foot to the highway that Ledes from the Towne Street Into the Neck for the building and erecting of a County Court house on: and any other housing or other buildings that there shall or may be Occation for, to the use benifet and behoofe of the Colony: aforesaid from Generation to Generation forever. (Prov. Deed Book No. 8, p. 277.)

The town of Providence in town meeting January 27, 1729-30, voted to pay out of the town treasury a sum additional to that allowed by the colony "so that said house might be made so Large as to be Servable for the Townes Publick use. The which was voated by paper. And Granted by Eighty three Voate Cleare." The town also voted "that the said house should be built fourty foot Long and thirty foot wide and eightene foot Stud betwext Joynts," and further "that there shall be a chimny or two built in said house from the Chamber flower and upward." (Town Meeting, Record No. 4, p. 27.)

The location selected by the committee appointed by the Assembly for the combined Colony and Town House was evidently not satisfactory to all the townsmen. Accordingly the Assembly at its February meeting repealed the act passed at the last session, appointing the place for setting the county court house in Providence, and voted that it "be left to the town of Providence to be determined in a town meeting to

be called by the assistants of said town whether the said house shall be set upon Capt. James Olneys land or at the place appointed by the committee hereto-fore appointed for that purpose." (R. I. Colonial Records, Vol. 4, p. 432.)

A special town meeting was therefore held March 27, 1730, as the record says, "to determine by voate where the County Court house should be sett wheither at Mr. William Page's or att Capt. James Olney's. Coll. Nicholas Power Chosen Moderator. Voated by paper and the voate Carryed it that the said house should be att Mr. William Page's Lott, being the place that was appoynted by the Committee." (Town Meeting Record, No. 4.)

Some objection may have been made to the size of the Page lot, as the grantor on April 16, 1730, increased the depth of the lot from 60 to 80 feet. (Providence Deed Book 8, pp. 277-8.)

The opponents of this southern location made one more move, and at the town's quarter meeting April 27, 1730, presented the following petition:

"Wee the subscribers freemen of the Towne of Providence: Considering and finding the Land of William Page of Said Providence where the Towne voated the County House should be sett is an Estate taile and not Docked and that the heirs of William Olney to whome said estate is Entailed may Recover the Same and the Towne may Loose the money they shall Dispos in building there of: and may prove very mischevos to the whole County as well as to said Towne in being Deprived of theire buildings by said Olney's Heirs: There fore wee doe hereby Protest against the said Towne of Providence Paying out of there Town Treasury any money towards building any addition to the said County house or ordering money to be paid toward the same." (Town Meeting Record No. 4, pp. 24-5.) That the title was not considered clear is shown by the additional deed of Page the next year and by the docking of the entail by the customary legal procedure in 1754 under the statute of 1730.

The path leading by the lot selected for the County House, possibly an Indian trail, had been in use since the early days

of the settlement, but apparently had not been officially laid out. The town now appointed a committee to lay out "County House Way." They with the assistance of Daniel Abbott, the surveyor, on the fifth of March, 1730-1, "bound out the highway that Ledes up into the Neck by the County house" from the "Towne Street to the highway at the head of the Town Lotts." (Town Meeting Records No. 3, p. 194.)

The committee now proceeded to erect the building, which was not ready for occupancy when expected, for the town's quarter meeting April 27, 1731, "being Called by Warrant to the County Court house but be Reason of that being Cluttered with the workmens being In finishing of it, the Town having Liberty meet in the Quakers Meeting house that is Close by." (Town Meeting Record No. 4, p. 32.) However, it was soon finished, for the next town meeting, June 7, 1731, was held there. (Town Meeting Record No. 4, p. 35.)

Major William Smith's accounts for building the County Court House and Goal in Providence, amounting to £664, 9s., were reported by the auditing committee to the Assembly in June, 1731, and the balance ordered to be paid out of the General Treasury (R. I. Colonial Records, Vol. 4, p. 452.)

To secure the colony against loss by defect in title William Page declared, September 28, 1731, that when he purchased of William Olney, senior, and William Olney, junior, the property of which the County House lot was a portion, William Olney, junior, gave him "another Deed of another Peice of Land in Case there should be any failure in the Deeds that his father and himself had Signed to me of the afore Mentioned Lotts of Land, then the Second deed should take Effect and be of force to convey the same Land therein Contained." Page proceeded to covenant in case the Colony or trustees should be disturbed in their Quiet and Peaceable possession they should have the benefit of this second deed of William Olney, junior, and "enter upon so much of the Land therein Mentioned and Contained as will make restitution for the Damage they shall sustain thereby." (Providence Deeds Book 10, p. 326.)

The building was known by various names, "the County House," "the County Court House," "the Colony House," "the Court House."

In 1739 the Assembly appointed a committee to receive "the Bell the best Coat of Arms & all the Leather Chairs that did belong to the Old Colony House (in Newport) and that the same shall be for the Use of the County House, as Providence." (Ms. Schedule, 1739, August session). Possibly this bell now hangs in the belfry of the old State House. More chairs were ordered in 1742.

Numerous items concerning the Old County House may be gleaned from the records of the town and the colony. Some are accounts for attendance on the Assembly, others bills for firewood, but repair bills are most numerous and almost without exception for setting glass. These bills were generally rendered to the colony, often by the sheriff, and ordered paid by the Assembly, though occasionally the town pays the account, as when at a town meeting October 27, 1736, "It is Voated that a Glaisour shall emediately be Employed to mend the Glace windows belonging to the County house Chamber and have satisfaction out of the Town's Treasury the Gen'll Assembly being now sitting. (Town Meeting Records No. 4, p. 60.)

But more extensive repairs were sometimes needed. Thus in October, 1736, the Assembly granted the petition of the Sheriff of Providence county, which set forth "the great Necessity of making Seats in one of the Rooms of the County House in Providence for the Conveniency of the House of Deputies setting when assembled in General Court, making Shutters to the lower and back windows of said County House for the preservation of the Glass, getting a convenient Table for said Room," and praying that a committee be appointed to see it done. (Ms. Schedule, 1736, October session.)

The building was used by the colony for the sessions of the General Assembly, and the courts, and by the town for town meetings, but when not needed by either colony or town it was utilized for other purposes. Thus the Assembly at the August session, 1735, granted the petition of George Taylor

praying "liberty to keep school in Providence during the pleasure of the General Assembly. Provided he keeps the glass of said house in constant good repair (after the same is once repaired) and erect a handsome sun-dial in front of said house both for ornament and use, and build a necessary house convenient to prevent to nuisance and to serve the public; and the same to be done as soon as conveniently may be." (R. I. Colonial Records, Vol. 4, pp. 511-12.) It was also used for religious services. The General Assembly in February, 1739-40, confirmed the "permission granted by Stephen Hopkins, Richard Thornton and John Rice Jr Esqrs Judges of the Inferiour Court of Common Pleas," "to Capt. James Olney and sundry others of the Baptist denomination in Providence for liberty to meet in the county house in Providence on the First day of the week to worship God . . . upon good and sufficient security being given to the sheriff of the county aforesaid for repairing and making good all damages that shall accrue to the said house by means of the said parties meeting in the same." (R. I. Colonial Records, Vol. 4, pp. 569-70.)

Once at least it was used for military purposes, for in the accounts presented by the Sheriff of Providence county to the Assembly in October, 1759, is the item:

"1758 May 16 To Cash paid Compton for cleaning the Court House after Soldiers 6-10-0."

This building was also the earliest home of the Providence Library Company, established in 1753. This company, composed of the leading men of Providence, represented to the Assembly in February, 1754, that "being desirous as far as in them lieth to promote useful knowledge," they had sent to England a sum sufficient to purchase a small library and sought the Assembly's permission to erect shelves on the west and north sides of the council chamber for the accommodation of the library, urging further "yet would there be sufficient room for the General Council to set comfortably there and would be so far from being any inconvenience, that on the other hand, it would be an ornament to the house, and afford an agreeable amusement to the members in their leisure hours." (R. I. Colonial Records, V. 378-9.) The books, between five

and six hundred, of which the list is still preserved, probably arrived in August the same year, and were placed on the shelves of the council chamber, with Nicholas Brown as librarian, who was to be in attendance Saturdays from two to five. When the Assembly was in session the members had liberty to use the books.

After nearly thirty years service the building was not in the best of condition, and the Assembly at its December session, 1758, ordered the sheriff to shingle, new clapboard, and paint the exterior, put in new sash windows, and repair the lower room and the chamber of deputies. But fire speedily settled the question of repairs, for immediately after the adjournment the house was burned December 24, 1758.

According to the records of the Library Company, "this accident was occasioned thus. The General Assembly Sitting in the Court House the preceeding Week, when the weather was very cold, Large Fires were kept in the Chamber. The Chimneys, not being built from the Ground but founded on the Chambers Floors, were Supported by Timber, to which the Fire communicated itself through the Hearths, and there remained concealed, from Saturday, when the Assembly left the House, until the Sunday following, about Ten o'clock at Night, when the Inside of the House was discovered to be wholly in Flames. The Fire being got to so great a Heighth, it was impossible to save the House or any Thing in it. One Dwelling House also which stood next to it, was burnt down. The Friends Meeting House and another House which Stood near it, suffered great Damage by the Fire but were saved by the Diligence and great Activity of the People, with the Help of one Water Engine, the only one then in the Town."

The Library Company lost its entire library except about seventy volumes that happened at the time to be in the hands of the subscribers. No records are mentioned as destroyed with the building, as it contained no offices. The headquarters of the colonial government were still at Newport, the secretary's office not being removed to Providence until 1775, nor do the court records for this period seem incomplete.

An echo of the fire is found in the Assembly's record of February, 1759, when "Dennis Montaigne a waiter on the Assembly" is allowed payment for "a Lanthorn he kept for the use of the Court which was burnt with the Colony House in Providence." (Acts & Resolves, February session, 1759.)

The Assembly at its May session, 1759, voted that the Court House be in the place where the old one was, but later purchased the lot where the old State House now stands, while the former site abandoned by the colony reverted to the heirs of William Paige.







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